

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

Fenwick & West LLP

JUL 07 2008

PCT RECEIVED

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 10111 PCT	Date of mailing (day/month/year) 03 JUL 2008
International application No. PCT/US05/10685	International filing date (day/month/year) 30 March 2005 (30.03.2005)
Applicant GOOGLE INC.	

25860-1

1. The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 338.82.70.

For more detailed instructions, see the notes on the accompanying sheet.

2. The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Zarni Maung Telephone No. 703-305-3900
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 10111 PCT	FOR FURTHER ACTION	see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/US05/10685	International filing date (<i>day/month/year</i>) 30 March 2005 (30.03.2005)	(Earliest) Priority Date (<i>day/month/year</i>) 31 March 2004 (31.03.2004)
Applicant GOOGLE INC.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

a. With regard to the **language**, the international search was carried out on the basis of:
 the international application in the language in which it was filed.
 a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2.

Certain claims were found unsearchable (See Box No. II)

3.

Unity of invention is lacking (See Box No. III)

4. With regard to the **title**,

the text is approved as submitted by the applicant.
 the text has been established by this Authority to read as follows:

5.

With regard to the **abstract**,

the text is approved as submitted by the applicant.
 the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. 1

as suggested by the applicant.
 as selected by this Authority, because the applicant failed to suggest a figure.
 as selected by this Authority, because this figure better characterizes the invention.

b. none of the figures is to be published with the abstract.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US05/10685

A. CLASSIFICATION OF SUBJECT MATTER
IPC: **G06F 15/16(2006.01)**

USPC: **709/206**

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
U.S. : 709/206

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2002/0059425 A1 (BELFIORE et al) 16 May 2002 (16.05.2002), see Abstract	1, 3-14, 16-25, 27-38, 40-48
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Y		2, 15, 26, 39, 49-56
Y, P	US 2004/0267700 A1 (DUMAIS et al) 30 December 2004 (30.12.2004), see Abstract	2, 15, 26, 39, 49-56

<input type="checkbox"/>	Further documents are listed in the continuation of Box C.	<input type="checkbox"/>	See patent family annex.
*	Special categories of cited documents:	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"A"	document defining the general state of the art which is not considered to be of particular relevance	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"E"	earlier application or patent published on or after the international filing date	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"L"	document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"&"	document member of the same patent family
"O"	document referring to an oral disclosure, use, exhibition or other means		
"P"	document published prior to the international filing date but later than the priority date claimed		

Date of the actual completion of the international search 28 September 2006 (28.09.2006)	Date of mailing of the international search report 03 JUL 2008
Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Authorized officer Zarni Maung Telephone No. 703-305-3900

Form PCT/ISA/210 (second sheet) (April 2005)

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:
SABRA-ANNE TRUESDALE
FENWICK & WEST LLP
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

		Date of mailing (day/month/year)	03 JUL 2006
Applicant's or agent's file reference 10111 PCT		FOR FURTHER ACTION See paragraph 2 below	
International application No. PCT/US05/10685	International filing date (day/month/year) 30 March 2005 (30.03.2005)	Priority date (day/month/year) 31 March 2004 (31.03.2004)	
International Patent Classification (IPC) or both national classification and IPC IPC: G06F 15/16(2006.01) USPC: 709/206			
Applicant GOOGLE INC.			

1. This opinion contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the opinion
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (571) 273-3201	Date of completion of this opinion 28 September 2006 (28.09.2006)	Authorized officer Zarni Maung Telephone No. 703-305-3900
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Form PCT/ISA/237 (cover sheet) (April 2005)

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.

PCT/US05/10685

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of:

the international application in the language in which it was filed
 a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

a sequence listing
 table(s) related to the sequence listing

b. format of material

on paper
 in electronic form

c. time of filing/furnishing

contained in the international application as filed.
 filed together with the international application in electronic form.
 furnished subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>2, 15, 26, 39 and 49-56</u>	YES
	Claims <u>1,3-14,16-25,27-38 and 40-49</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-56</u>	NO
Industrial applicability (IA)	Claims <u>1-56</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Please See Continuation Sheet

WRITTEN OPINION OF THE
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International application No.
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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

V. 2. Citations and Explanations:

Claims 1, 3-14, 16-25, 27-38, and 40-48 lack novelty under PCT Article 33(2) as being anticipated by Belfiore et al, U.S. Patent Publication US 2002/0059425 A1.

As per Claims 1 and 25, Belfiore discloses the method comprising:

determining the occurrence of a condition indicating at least one email message transfer by an email application, wherein determining the occurrence of the condition is external to the email application [Abstract] [Fig. 1] [0006] [0015] [0018] [0020-0021 & 0023] [0054] [also Section L: Scenarios, 0241]; and
identifying the email message (Protocol_824) [Fig. 7] [0062] [0067] [0087] [0111] [0114] [0134] [0143] [0173].

As per Claims 3 and 27, Belfiore discloses the method of claim 1, wherein the email message transfer comprises receiving the email message [0054] [0087] [0111] [0133-0134] [0193].

As per Claims 4 and 28, Belfiore discloses the method of claim 1, wherein the email message transfer comprises sending the email message [0006] [0062] [0171][also Section G. Messaging [0143] (e.g. email)] [0194].

As per Claims 5 and 29, Belfiore discloses the method of claim 1, wherein the email application comprises a client-based email application [Fig. 1] [0047] [0143].

As per Claims 6 and 30, Belfiore discloses the method of claim 1, wherein the email application comprises a network-based email application [Fig. 1] [0047] [0143].

As per Claims 7 and 31, Belfiore discloses the method of claim 1, wherein the email application comprises a client-based email application and a network-based email application [Fig. 1] [0047] [0143].

As per Claims 8 and 32, Belfiore discloses the method of claim 1, further comprising storing the email event and the email message (Storage_145) [also Section H. Storage, 0167, 0171, 0173].

WRITTEN OPINION OF THE
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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

As per Claims 9 and 33, Belfiore discloses the method of claim 1, wherein determining the occurrence of the condition comprises determining if files associated with the email application have been updated [0018] [0079-0080] (e.g. Update & Notification Services).

As per Claims 10 and 34, Belfiore discloses the method of claim 1, wherein determining the occurrence of the condition comprises determining if an email related operating system condition has occurred [0143] [0244] [0267] (e.g. related messages such as voice and text/email messages).

As per Claims 11 and 35, Belfiore discloses the method of claim 10, wherein the operating system condition comprises an email icon output on a display associated with the client device [0006].

As per Claims 12 and 36, Belfiore discloses the method of claim 10, wherein the operating system condition comprises an email message box output on a display associated with the client device [0070] [0086] [0143].

As per Claims 13 and 37, Belfiore discloses the method of claim 10, wherein the operating system condition comprises determining metadata for an email indicator associated with the email message displayed in the email application [0155-0156] [0233].

As per Claims 14 and 38, Belfiore discloses the method of claim 1, wherein the email application comprises a network-based email application and determining the occurrence of the condition comprises analyzing a web page associated with the network-based email application [0007-0008] [0194].

As per Claims 16 and 40, Belfiore discloses the method of claim 1, wherein determining the occurrence of the condition comprises determining an email protocol [0173] and an email server based on analysis of settings associated with the email application or network traffic (e.g. system/application settings) [0114].

As per Claims 17 and 41, Belfiore discloses the method of claim 16, further comprising periodically polling the email server for new email messages [0020].

As per Claims 18 and 42, Belfiore discloses the method of claim 1, further comprising associating the email event with a conversation [0102] [0105] [0111] [0267].

As per Claims 19 and 43, Belfiore discloses the method of claim 18, wherein associating the email message with a conversation comprises:

determining if an existing conversation relevant to the email event exists [0102] [0105] [0111] [0267];
style="padding-left: 20px;">associating the email event with an existing conversation if the existing conversation is determined to be relevant to the email event [0102] [0105] [0111] [0267]; and
style="padding-left: 20px;">associating the email event with a new conversation if no existing conversation is determined to exist that is relevant to the email event [0102] [0105] [0111] [0267].

As per Claims 20 and 44, Belfiore discloses the method of claim 19, wherein determining if an existing conversation relevant to the email event exists comprises an analysis of the event data associated with the email event [0102] [0105] [0111] [0267] [also Section E. Events, 0119, 0127, 0133-0134].

As per Claims 21 and 45, Belfiore discloses the method of claim 20, wherein the analysis of the event data comprises analysis of one or more of email message subject, date, content, sender and recipients [0023] [0073] [0111] [0127] [0213].

As per Claims 22 and 46, Belfiore discloses the method of claim 19, wherein determining if an existing conversation relevant to the email event exists comprises determining a conversation ID associated with the email message [also Section E. Events, 0119, 0127, 0133-0134] (i.e. Global ID) [0201].

As per Claims 23 and 47, Belfiore discloses the method of claim 1, wherein event data comprises at least one of sender data, a date and time associated with the event, and content from the email message [0023] [0073] [0111] [0127] [0213].

As per Claims 24 and 48, Belfiore discloses the method of claim 1, wherein event data comprises a conversation ID (i.e. Global ID) [0201].

Claims 2, 15, 26, 39, and 49-56 are inventive step under PCT Article 33(3) as being obvious over Belfiore in view of Dumais et al, U.S. Patent Publication US 2004/0267700 A1.

As per Claims 2 and 26, Belfiore in view of Dumais discloses the method of claim 1, further comprising:

Form PCT/ISA/237 (Supplemental Box) (April 2005)

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

compiling an email event from at least some event data associated with the email message [0020] [0054][0062] [also Section E. Events, 0119, 0127, 0133-0134]]
indexing the email event.

While Belfiore discloses substantial features of the invention such as the method of claim 1 comprising determining the occurrence of a condition indicating at least one email message transfer by an email application, wherein determining the occurrence of the condition is external to the email application [Abstract] [Fig. 1] [0006] [0015] [0018] [0020-0021 & 0023] [0054] [also Section L: Scenarios, 0241]; identifying the email message (Protocol_824) [Fig. 7] [0111], and 'indexing' of Global Ids and user profiles containing user data (according to an agreed-upon schema) in a MyState adapted directory_905 [0203], he does not expressly disclose the feature of indexing the email event. The feature is disclosed by Dumais.

Dumais, in a similar endeavor, discloses as his invention a system and method providing content-access based information retrieval. A usage analyzer determines user accessed items and a content analyzer stores subsets of data corresponding to the items. An automated indexing component indexes the data subsets according to past data access patterns as determined by the usage analyzer. A search component responds to a search query, initiates a search across the indexed data [Abstract].

In particular, Dumais discloses that the present invention provides a unified index of information that a person has observed, whether it be *email*, web pages, office documents, calendar appointments, and so forth. Dumais' invention integrates disparate information sources into a single *index* that can be queried for information retrieval. Indexing happens automatically and is triggered by ongoing user activity, such as reading email messages [0005]. Dumais additionally discloses the 'storing of event data' for information content such as emails [0023-0024], and that a search component_150 extract items from the content index_140 such as *emails*, evaluations, documents, web page images, etc. [0027]. Dumais discloses that the emails are indexed as they are received [0038].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine Belfiore's invention with the feature of indexing the email event, as disclosed by Dumais, for the motivation of facilitating access-based retrieval of information or data [0001] [0021].

As per Claims 15 and 39, Belfiore in view of Dumais discloses the method of claim 1, wherein determining the occurrence of the condition comprises determining if a packet or packets received from a network comprises an email protocol {Dumais 0082} [Fig. 9].

While Belfiore discloses substantial features of the invention such as the method of claim 1 comprising determining the occurrence of a condition indicating at least one email message transfer by an email application, wherein determining the occurrence of the condition is external to the email application [Abstract] [Fig. 1] [0006] [0015] [0018] [0020-0021 & 0023] [0054] [also Section L: Scenarios, 0241]; identifying the email message (Protocol_824, i.e., SOAP) [Fig. 7] [0111], and 'indexing' [0203], he does not expressly disclose the feature of the method wherein determining the occurrence of the condition comprises determining if a packet or packets received from a network comprises an email protocol. The feature is disclosed by Dumais.

Dumais, in a similar endeavor, discloses as his invention a system and method providing content-access based information retrieval. A usage analyzer determines user accessed items and a content analyzer stores subsets of data corresponding to the items. An automated indexing component indexes the data subsets according to past data access patterns as determined by the usage analyzer. A search component responds to a search query, initiates a search across the indexed data [Abstract].

In particular, Dumais discloses that the present invention provides a unified index of information that a person has observed, whether it be *email*, web pages, office documents, calendar appointments, and so forth. Dumais' invention integrates disparate information sources into a single *index* that can be queried for information retrieval. Indexing happens automatically and is triggered by ongoing user activity, such as reading email messages [0005]. Dumais additionally discloses the 'storing of event data' for information content such as emails [0023-0024], and that possible communication between a client_910 and a server_930 may be in the form of a 'data packet' adapted to be transmitted between two or more computer processes [0082] [Fig. 9].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine Belfiore's invention with the feature of the method wherein determining the occurrence of the condition comprises determining if a packet or packets received from a network comprises an email protocol, as disclosed by Dumais, for the motivation of facilitating access-based retrieval of information or data [0001] [0021].

As per Claim 49 and 53, Belfiore discloses a method comprising: determining the occurrence of a condition indicating that at least one email message has been received by an email application, wherein determining the occurrence of the condition is external to the email application and comprises at least one of determining if files associated with the email application have been updated application [Abstract] [Fig. 1] [0006] [0015] [0018] [0020-0021 & 0023] [0054] [also Section L: Scenarios, 0241], determining the occurrence of an email related operating system condition [0143] [0244] [0267] (e.g. related

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

messages such as voice and text/email messages), and determining receipt of a network packet in an email protocol; identifying the email message, wherein the email message comprises event data; compiling an email event from at least some of the event data (Protocol_824) [Fig. 7] [0062] [0067] [0087] [0111] [0114] [0134] [0143] [0173]; indexing the email event, wherein indexing the email event further comprises associating the email event with a conversation (e.g. emails received from the boss) [0111]; and storing the email event and the email message.

With regards to the limitations of determining receipt of a network packet in an email protocol, indexing the email event, wherein indexing the email event further comprises associating the email event with a conversation (e.g. emails received from the boss) [0111]; and storing the email event and the email message; while Belfiore discloses substantial features of the invention such as the method of claim 1 comprising determining the occurrence of a condition indicating at least one email message transfer by an email application, wherein determining the occurrence of the condition is external to the email application [Abstract] [Fig. 1] [0006] [0015] [0018] [0020-0021 & 0023] [0054] [also Section L: Scenarios, 0241]; identifying the email message (Protocol_824, i.e., SOAP) [Fig. 7] [0111], and 'indexing' [0203], he does not expressly disclose the features of determining receipt of a network packet in an email protocol, indexing the email event, wherein indexing the email event further comprises associating the email event with a conversation (e.g. emails received from the boss) [0111]; and storing the email event and the email message. The feature is disclosed by Dumais.

Dumais, in a similar endeavor, discloses as his invention a system and method providing content-access based information retrieval. A usage analyzer determines user accessed items and a content analyzer stores subsets of data corresponding to the items. An automated indexing component indexes the data subsets according to past data access patterns as determined by the usage analyzer. A search component responds to a search query, initiates a search across the indexed data [Abstract].

In particular, Dumais discloses that the present invention provides a unified index of information that a person has observed, whether it be *email*, web pages, office documents, calendar appointments, and so forth. Dumais' invention integrates disparate information sources into a single *index* that can be queried for information retrieval. Indexing happens automatically and is triggered by ongoing user activity, such as reading email messages [0005]. Dumais additionally discloses the 'storing of event data' for information content such as emails [0023-0024], and that possible communication between a client_910 and a server_930 may be in the form of a 'data packet' adapted to be transmitted between two or more computer processes [0082] [Fig. 9].

It would thus be obvious to one of ordinary skill in the art at the time of the invention to combine Belfiore's invention with the feature of the method wherein determining the occurrence of the condition comprises determining if a packet or packets received from a network comprises an email protocol, as disclosed by Dumais, for the motivation of facilitating access-based retrieval of information or data [0001] [0021].

As per Claims 50 and 54, Belfiore discloses the method of claim 49, wherein the email application comprises a client-based email application [Fig. 1] [0047] [0143].

As per Claims 51 and 55, Belfiore discloses the method of claim 49, wherein the email application comprises a network-based email application [Fig. 1] [0047] [0143].

As per Claims 52 and 56, Belfiore discloses the method of claim 49, further comprising associating the email event with a conversation (e.g. emails received from the boss) [0111].

NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under Article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article," "Rule" and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

What parts of the international application may be amended ?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Preliminary Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When ? Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments ?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How ? Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments ?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.